

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE BRICKLAYERS & ALLIED)
 CRAFTWORKERS LOCAL 13 DEFINED)
 PENSION & TRUST FOR SOUTHERN)
 NEVADA, et al.,)

Case No. 2:15-cv-02129-APG-NJK

Plaintiff(s),

ORDER

vs.

(Docket No. 42)

COMMERCIAL UNION TILE & STONE,
 INC., et al.,

Defendant(s).

On September 14, 2016, the Court granted Plaintiffs' motion to compel and for an award of expenses. Docket No. 37. Pursuant to that order, Plaintiffs have filed a request to calculate fees and costs. Docket No. 42. Any response was due no later than September 28, 2016, *see* Docket No. 37, but none has been filed to date.

Attorneys' fees awarded under Rule 37 are determined using the lodestar method of multiplying the reasonable hours expended by a reasonable hourly rate. *See, e.g., Marrocco v. Hill*, 291 F.R.D. 586, 587-88 (D. Nev. 2013). In this case, the Court finds the hours expended are reasonable and the rates sought are in line with those prevailing in the community. Accordingly, the Court finds the request for attorneys' fees in the amount of \$2,220 to be reasonable and proper.

Plaintiffs also seek to recover the \$165 in costs for the court reporter at the deposition to which Mr. Perez failed to appear. Such a cost is properly recoverable under Rule 37(d). *See, e.g., Payman v. Rayan*, 2011 WL 976925, *2 (D. Nev. Mar. 18, 2011) (awarding cost of \$195 for court reporter fee, under Rule 37(d)). The Court finds that cost reasonable and proper in this case.

1 Accordingly, the motion for calculation of attorneys' fees and costs is **GRANTED**. Payment
2 of \$2,385 shall be made to Plaintiffs' counsel by no later than November 2, 2016.

3 IT IS SO ORDERED.

4 DATED: October 18, 2016

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8 NANCY J. KOPPE
9 United States Magistrate Judge
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